

AMENDED IN ASSEMBLY FEBRUARY 3, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 89

Introduced by Assembly Member Cedillo

December 10, 1998

An act to amend Section 830.7 of the Penal Code, relating to arrest.

LEGISLATIVE COUNSEL'S DIGEST

AB 89, as amended, Cedillo. Arrest: public officers.

Existing law authorizes certain persons who are not peace officers to exercise powers of arrest if they have completed a specified training course.

This bill would include persons regularly employed as inspectors or investigators by a city or county department of transportation and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 830.7 of the Penal Code is~~
2 *SECTION 1. Section 830.7 of the Penal Code is*
3 *amended to read:*
4 830.7. The following persons are not peace officers
5 but may exercise the powers of arrest of a peace officer

1 as specified in Section 836 during the course and within
2 the scope of their employment, if they successfully
3 complete a course in the exercise of those powers
4 pursuant to Section 832:

5 (a) Persons designated by a cemetery authority
6 pursuant to Section 8325 of the Health and Safety Code.

7 (b) Persons regularly employed as security officers for
8 independent institutions of higher education, recognized
9 under subdivision (b) of Section 66010 of the Education
10 Code, if the institution has concluded a memorandum of
11 understanding, permitting the exercise of that authority,
12 with the sheriff or the chief of police within whose
13 jurisdiction the institution lies.

14 (c) Persons regularly employed as security officers for
15 health facilities, as defined in Section 1250 of the Health
16 and Safety Code, that are owned and operated by cities,
17 counties, and cities and counties, if the facility has
18 concluded a memorandum of understanding, permitting
19 the exercise of that authority, with the sheriff or the chief
20 of police within whose jurisdiction the facility lies.

21 (d) Employees or classes of employees of the
22 California Department of Forestry and Fire Protection
23 designated by the Director of Forestry and Fire
24 Protection, provided that the primary duty of the
25 employee shall be the enforcement of the law as that duty
26 is set forth in Section 4156 of the Public Resources Code.

27 (e) Persons regularly employed as inspectors,
28 supervisors, or security officers for transit districts, as
29 defined in Section 99213 of the Public Utilities Code, if the
30 district has concluded a memorandum of understanding
31 permitting the exercise of that authority, with, as
32 applicable, the sheriff, the chief of police, or the
33 Department of the California Highway Patrol within
34 whose jurisdiction the district lies. For the purposes of this
35 subdivision, the exercise of peace officer authority may
36 include the authority to remove a vehicle from a railroad
37 right-of-way as set forth in Section 22656 of the Vehicle
38 Code.

39 (f) Nonpeace officers regularly employed as county
40 parole officers pursuant to Section 3089.

(g) Persons appointed by the Executive Director of the California Science Center pursuant to Section 4108 of the Food and Agricultural Code.

(h) Persons regularly employed as inspectors or investigators by a city, county, or city and county department of transportation and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation. These employees may exercise the power to serve warrants, as specified in Sections 1523 and 1530, during the course and within the scope of employment, if they receive a course in the exercise of those powers pursuant to Section 832.

For the purposes of this subdivision, “inspector or investigator” means an employee defined in Section 53075.61 of the Government Code authorized by local ordinance to enforce laws related to public transportation.

~~amended to read:~~

~~830.7. The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 during the course and within the scope of their employment, if they successfully complete a course in the exercise of those powers pursuant to Section 832:~~

~~(a) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.~~

~~(b) Persons regularly employed as security officers for institutions of higher education, recognized under subdivision (a) of Section 94310.1 of the Education Code, if the institution has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or chief of police within whose jurisdiction the institution lies.~~

~~(c) Persons regularly employed as security officers for health facilities, as defined in Section 1250 of the Health and Safety Code, which are owned and operated by cities, counties, and cities and counties, if the facility has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or chief of police within whose jurisdictions the facility lies.~~

~~(d) Employees or classes of employees of the California Department of Forestry and Fire Protection designated by the Director of Forestry and Fire Protection, provided that the primary duty of the employee shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.~~

~~(e) Persons regularly employed as inspectors, supervisors, or security officers for transit districts, as defined in Section 99213 of the Public Utilities Code, if the district has concluded a memorandum of understanding permitting the exercise of that authority, with, as applicable, the sheriff, chief of police, or California Highway Patrol within whose jurisdiction the district lies. For purposes of this subdivision, the exercise of peace officer authority may include the authority to remove a vehicle from a railroad right-of-way as set forth in Section 22656 of the Vehicle Code.~~

~~(f) Nonpeace officers regularly employed as county parole officers pursuant to Section 3089.~~

~~(g) Persons appointed by the Executive Director of the California Museum of Science and Industry pursuant to Section 4108 of the Food and Agricultural Code.~~

~~(h) Persons regularly employed as inspectors or investigators by a city, county, or city and county department of transportation and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation. These employees may exercise the power to serve warrants, as specified in Sections 1523 and 1530, during the course and within the scope of employment, if they receive a course in the exercise of those powers pursuant to Section 832.~~

~~For the purposes of this subdivision, “inspector or investigator” means an employee defined in Section 53075.61 of the Government Code authorized by local ordinance to enforce laws related to public transportation.~~